



STATE OF CONNECTICUT

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

PAUL J. KNIERIM
Probate Court Administrator

THOMAS E. GAFFEY
Chief Counsel

HELEN B. BENNET
Attorney

DEBRA COHEN
Attorney

186 NEWINGTON ROAD
WEST HARTFORD, CT 06110

TEL (860) 231-2442
FAX (860) 231-1055

To: Senate Co-Chair Eric Coleman
House Co-Chair Gerald Fox
Senate Ranking Member John Kissel
House Ranking Member Rosa Rebimbas
Honorable Members of the Judiciary Committee

From: Paul J. Knierim
Probate Court Administrator

Re: RB 5218 An Act Concerning the Adoption of the Uniform Partition
of Heirs' Property Act

Date: February 24, 2014

Thank you for the opportunity to testify on Raised Bill 5218, An Act Concerning the Adoption of the Uniform Partition of Heirs' Property Act ("UPHPA"). The purpose of this testimony is to alert the committee to a technical concern with the bill as drafted.

We support the objective of UPHPA, which would establish a clear set of policies and procedures for dealing with disputes among co-owners of real property when a substantial proportion of the owners are related. However, the legislation should be amended to synchronize with existing statutory provisions governing partition matters that arise during the settlement of decedents' estates.

C.G.S. section 45a-326 authorizes Probate Courts to hear and decide partition matters that arise during the settlement of decedents' estates. While the existing statute embodies policies and procedures that are similar to UPHPA, there are numerous inconsistencies. For example, section 45a-326 does not provide co-owners with the right to purchase the interest of another co-owner as an alternative to partition or sale. Similarly, it is far less specific than UPHPA regarding the method by which a property is marketed when the court determines

that sale serves the interests of the co-owners better than division into separate parcels. It also bears noting that section 45a-326 covers a broader range of property issues than UHPA. Section 45a-326 applies to personal property as well as real property. It also applies to property that is not considered heirs' property, which is the exclusive focus of UHPA.

I appreciate the opportunity to offer input on this legislation and would be happy to assist in resolving the issues between the existing probate statutes and UHPA.